

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

TD SECURITIES (USA) LLC,

Defendant.

CASE NO. 24-CR-623 (CCC)

JOINT MOTION FOR EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT

The United States of America and the defendant, TD Securities (USA) LLC (the “Company”), by their respective attorneys, move this Honorable Court for entry of an Order continuing all further criminal proceedings, including trial, until further motion of the parties, based on the entry of the parties’ Deferred Prosecution Agreement (the “Agreement”). In support thereof, the parties state as follows:

1. The Speedy Trial Act requires that the trial of a defendant charged in an Information occur within 70 days from the later of the filing of the Information or the date on which the defendant appeared before a judicial officer in the court in which the charge is pending. *See* 18 U.S.C. § 3161(c)(1).

2. The Speedy Trial Act, 18 U.S.C. § 3161(h)(2), further provides that:

The following periods of delay shall be excluded in computing the time within which an information . . . must be filed, or in computing the time within which the trial of any such offense must commence:

. . .

(2) Any period of delay during which prosecution is deferred by the attorney for the Government pursuant to written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct.

3. On or about September 30, 2024, the United States and the Company entered into the written Agreement, a true, correct, and complete copy of which is attached hereto and incorporated by reference as Exhibit 1.

4. In Paragraph 1 of the Agreement, the Company agreed to waive any right it may have to indictment and agreed to the filing of a one-count Information in this Court charging it with wire fraud, in violation of Title 18, United States Code, Section 1343.

5. Pursuant to Paragraphs 1, 22, and 31 of the Agreement, and in light of the Company's willingness to: (i) admit, accept, and acknowledge responsibility for its actions as detailed in the Statement of Facts attached to the Agreement; (ii) continue its cooperation with the United States; (iii) continue its commitment to enhance its compliance program and internal controls; and (iv) pay the Criminal Monetary Penalty, Forfeiture, and Victim Compensation Amount referred to in the Agreement, the United States respectfully recommends, pursuant to 18 U.S.C. § 3161(h)(2), that this Court exclude from the computation of time under the Speedy Trial Act a period of 3.5 years from the date on which the Information is filed.

6. The United States and the Company believe that such a delay and speedy trial exclusion will allow the defendant to demonstrate its good conduct and therefore seek the approval of this Court to delay trial. *See* 18 U.S.C. § 3161(h)(2).

7. The Company joins in this motion and expressly waives any and all rights to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, 18 U.S.C. § 3161, Federal Rule of Criminal Procedure 48(b), and any applicable Local Rules of the United States District Court for the District of New Jersey for the period that the Agreement is in effect.


8. The United States agrees that if the Company fully complies with all its obligations under the Agreement, the United States, six months after the Agreement's expiration, will move this Court to dismiss with prejudice the Information filed against the defendant.

For all the reasons stated above, the United States and defendant TD Securities (USA) LLC respectfully request that this Court enter an Order excluding a period of 3.5 years in computing the time within which any trial must be commenced upon the charge contained in the Information filed against the Company pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(2), in light of the written agreement between the Government and the defendant deferring prosecution in this matter for the purpose of allowing the defendant to demonstrate its good conduct, and continuing all further criminal proceedings, including trial, for a period of 3.5 years from the date on which the Information is filed.

Dated: September 30, 2024

Respectfully submitted,

GLENN S. LEON
Chief, Fraud Section
Criminal Division
United States Department of Justice

By: 

John J. Liolos, Trial Attorney

I hereby agree that I have consulted with outside counsel and fully understand all of TD Securities (USA) LLC's rights with respect to a speedy trial, including the right to begin trial within 70 days of the Information or its first appearance before this Court, whichever date last occurs, as required by Title 18, United States Code, Section 3161(c). I have read this motion for an extension of the speedy trial deadline and carefully reviewed every part of it with outside counsel. I certify that I am the Chief Executive Officer of TD Securities (USA) LLC and that I have been duly authorized by TD Securities (USA) LLC to agree voluntarily to this motion on behalf of the Company.

Date: 27/09/2024



Glenn Gibson
Chief Executive Officer
TD Securities (USA) LLC
Defendant

We are outside counsel for the defendant in this case. We have fully explained to the defendant the defendant's right to have trial commence within 70 days of the Information or its first appearance before this Court, whichever date last occurs, as required by Title 18, United States Code, Section 3161(c). Specifically, we have reviewed the terms and conditions of Title 18, United States Code, Section 3161(c), and we have fully explained to the defendant the provisions that may apply in this case. To our knowledge, the defendant's decision to agree to an extension of time to commence trial is an informed and voluntary one.

Date: 09/29/2024



Martine M. Beamon
Paul S. Mishkin
Fuad Rana
DAVIS POLK & WARDWELL LLP

CERTIFICATE OF SERVICE

I, John J. Liolos, hereby certify that on September 30, 2024, I caused the foregoing Joint Motion for Exclusion of Time Under the Speedy Trial Act to be electronically filed with the Clerk of Court by using the Court's electronic CM/ECF filing system, which will automatically send a notice of electronic filing to all parties that have entered an appearance, and to be emailed to counsel for TD Securities (USA) LLC.

/s/ John J. Liolos

John J. Liolos

Trial Attorney

Fraud Section, Criminal Division

U.S. Department of Justice